

FILED

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SEP 03 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Magistrate Case No.: 08MJ8791
)
Plaintiff,) COMPLAINT FOR VIOLATION OF
)
v.) 8, U.S.C. § 1324(a)(1)(A)(ii)
) Illegal Transportation
) of Aliens (Felony)
Irma Yanet AYON de Fernandez (1))
)
Jovanna Lisset FERNANDEZ (2)) "AMENDED"
)
Defendants.)

The undersigned complainant being duly sworn states:

On or about August 29, 2008, within the Southern District of California, defendants Irma Yanet AYON de Fernandez and Jovanna Lisset FERNANDEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that a alien, namely, Violeta SANCHEZ-Correa, had come to, entered and remained in the United States in violation of law, did transport and move, and attempt to transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

[Signature]
OSCAR U. SANCHEZ
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3RD DAY
OF SEPTEMBER 2008.

[Signature]
PETER C. LEWIS
U. S. Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Irma Yanet AYON de Fernandez (1)

4 Jovanna Lisset FERNANDEZ (2)

5 STATEMENT OF FACTS

6 The Complaint is being amended to include Jovanna Lisset
7 FERNANDEZ as a co-defendant.

8 The complainant states that this complaint is based upon
9 statements in the investigative reports by U.S. Border Patrol Agent
10 S. Templin that on August 29, 2008, the defendant, Irma Yanet AYON
11 De Fernandez a United States citizen, was apprehended in Calexico,
12 California, along with (1) one undocumented alien from Mexico, in
13 violation of law.

14 On August 29, 2008, at approximately 3:00 P.M. U.S. Border
15 Patrol Agent's witnessed an individual, later identified as Violeta
16 SANCHEZ-Correa, make an illegal entry into the United States by
17 climbing over the International Boundary Fence from Mexico east of
18 Calexico, California. Agents soon observed a white-colored Ford
19 Explorer come south on Bowker Road toward SANCHEZ's location. Agent
20 Templin was able to see the driver of the Ford was a female, later
21 identified as Irma Yanet AYON De Fernandez, and that she was
22 wearing a dark colored shirt. Agent Templin was also able to see
23 the passenger, later identified as Jovanna Lisset FERNANDEZ, was
24 wearing a bright colored purple shirt. The agents watched as the
25 Ford make a U-turn and head north again on Bowker Road. Agents saw
26 the Ford pull to a stop and SANCHEZ board the Ford. The Ford
27 continued northbound on Bowker Road away from the border area.
28 Agents were able to follow the Ford into the city of Calexico.

1 Agents report the vehicle was traveling well above the posted speed
2 limits as it traveled into the city. At the intersection of
3 Eisenhower Avenue and Johnson Street, Agent Templin saw the Ford
4 come to an abrupt stop and SANCHEZ exit the Ford. SANCHEZ ran into
5 the yard of a nearby house and attempt to hide herself.

6 The Ford began traveling toward the Agents. As the Ford
7 approached the Agents it came to a stop and Agent Templin could see
8 AYON and FERNANDEZ were still seated in the same positions they were
9 in when SANCHEZ boarded the Ford. As Agent Templin approached the
10 Ford, he identified himself to AYON and FERNANDEZ and questioned
11 them. It was determined both AYON and FERNANDEZ are citizens of the
12 United States, AYON and FERNANDEZ stated they were on their way to
13 Mexicali, Mexico.

14 As Agent Templin questioned AYON and FERNANDEZ, Agents B.
15 Whittenburg and J. Policastro approached SANCHEZ. After identifying
16 themselves to SANCHEZ, they questioned her and determined she is a
17 citizen of Mexico illegally in the United States. AYON, FERNANDEZ
18 and SANCHEZ were placed under arrest.

19 At the station, Agent J. Sanchez witnessed Agent M. Hernandez
20 read AYON her rights and later read FERNANDEZ her rights per
21 Miranda. FERNANDEZ stated she was coming from Mexicali, Mexico.
22 FERNANDEZ stated nobody ever got into the vehicle she was in.
23 FERNANDEZ stated neither her mother nor her have ever been arrest
24 for alien smuggling before, although she has been questioned about
25 it.

26 Material Witness Violeta SANCHEZ-Correa stated she made
27 arrangement with a smuggler in Mexico to be smuggled into the
28 United States for the fee of \$3,200. SANCHEZ stated she was told

1 after crossing the border fence to run north and find a tree.
2 SANCHEZ stated after finding the tree a white truck stopped right
3 in front of her and the passenger, FERNANDEZ, opened the door and
4 told her to get in. SANCHEZ stated FERNANDEZ helped her get in the
5 truck and the driver, AYON, told her to sit down. SANCHEZ stated
6 later AYON told her to get out of the truck in a fast manner and
7 hide. SANCHEZ was shown six-pack photo-lineup #1 and identified
8 photo #1, AYON, as the driver of the vehicle. SANCHEZ was shown
9 six-pack photo line-up #2 and identified photo #2, FERNANDEZ, as
10 the passenger who opened the door for her.

11 The complainant states that the names of the Material
12 Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Violeta SANCHEZ-Correa	Mexico

16 Further, complainant states that Violeta SANCHEZ-Correa is a
17 citizen of a country other than the United States; that said alien
18 has admitted that she is deportable; that her testimony is
19 material, that it is impracticable to secure her attendance at the
20 trial by subpoena; and she is a material witnesses in relation to
21 this criminal charge and should be held or admitted to bail
22 pursuant to Title 18, United States Code, Section 3144.